



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, November 10, 2008

The County Zoning Commission met on Monday November 10, 2008 in the large conference room on the 4th floor of the Parmly Library, 510 North Broadway.

Oscar Heinrich, Chairman, called the meeting to order at 4:01 p.m.

| Commissioners and Staff | | 01/14/08 | 02/11/08 | 03/10/08 | 04/14/08 | 05/12/08 | 06/09/08 | 07/14/08 | 08/11/08 | 09/08/08 | 10/14/08 | 11/10/08 | 12/08/08 |
|-------------------------|------------------------------------|----------|----------|----------|-----------|-----------|----------|----------|-----------|-----------|----------|----------|----------|
| Oscar Heinrich | Chairman | E | E | 1 | Cancelled | Cancelled | 1 | 1 | Cancelled | Cancelled | 1 | 1 | |
| Jerome Musselman | Vice-Chairman | 1 | 1 | 1 | | | 1 | E | | | 1 | 1 | |
| Al Littler | Commissioner | 1 | 1 | 1 | | | 1 | 1 | | | 1 | A | |
| Joan Hurdle | Commissioner | 1 | 1 | 1 | | | 1 | 1 | | | 1 | 1 | |
| Dennis Cook | Commissioner | 1 | | 1 | | | 1 | 1 | | | 1 | 1 | |
| Nicole Cromwell | Planner II/ Zoning Coordinator | 1 | 1 | 1 | | | 1 | 1 | | | - | 1 | |
| Wyeth Friday | Planner II | - | | - | | | - | - | | | - | - | |
| Aura Lindstrand | Planner II/Subdivision Coordinator | - | 1 | 1 | | | - | - | | | - | - | |
| Dave Green | Planner I | - | 1 | - | | | - | - | | | 1 | 1 | |
| Juliet Spalding | Planner II | - | - | 1 | | | - | - | | | - | - | |
| Lora Mattox | Planner II | 1 | - | - | | | - | - | | | - | - | |
| Elizabeth Allen | Planning Clerk | - | 1 | 1 | | | 1 | 1 | | | 1 | 1 | |

Chairman Heinrich introduced the County Zoning Commission members and staff in attendance:

Nicole Cromwell, Planner II/Zoning Coordinator
Dave Green, Planner I
Elizabeth Allen, Planning Clerk

ANNOUNCEMENTS:

There were none.

Motion

The minutes of October 14, 2008 were approved without objection.

Public Hearings:

Chairman Heinrich reviewed the rules for the procedure by which the public hearings will be conducted. He said the applications heard at this meeting would be forwarded to the BOCC at their meeting of November 25, 2008.

Item #1: County Special Review #318 - East side of Johnson Lane North of Interstate– A special review request to allow gravel mining on 36.34 acre parcel of which 12 acres to be used for gravel mining. The property is zoned Heavy Industrial (HI), Tract 1B of Certificate of Survey (COS) 1346. Tax ID D06422, Weaver Works, LLP, owner, and Warren Transport Inc. and Environmental Consulting Services, LLP, agents.

Nicole Cromwell read the legal description and **Dave Green** reviewed the staff report with an overhead PowerPoint presentation for the audience and reviewed the surrounding properties while explaining the existing zoning of the subject property.

Staff is recommending conditional approval of County Zone Change #618.

Discussion:

Chairman Heinrich asked if the entire tract 1B would be available for mining.

Mr. Green stated that their state permit would only allow open cut mining for the areas classified on this map. The special review approval would allow mining on the entire tract.

Public hearing opened at 4:08 p.m.

Applicant:

Kevin Walsh, Environmental Consulting Services, LLP, 320 East Lake Cir. This proposal fits with the plan for this area. It is surrounding by gravel mining. There is a viable source of materials on this property. There are regulations for reclamation of lands after the gravel mining has ceased. The owner has plans for this property after it has been mined.

Proponents:

Opponents:

Mel Harris, 1221 Columbine River Road. This land has a drainage ditch that run through the land and has cattails all over the property. He would like to know what they are going to do with the cattails. He has worked with DEQ and with the Railroad and when ever they took out one cattail they had to replace it. He owns 43 acres to the north of the property. He owns a Big Sky Sand and Gravel. He doesn't think that this should be permitted until someone takes a good hard look at this.

Netural:

Robert Dolly, 3015 Farley Lane, represents Concrete Materials of Montana, he would like to know if this will cause a problem with his water and where the water will be pumped to.

Mike Wentz, 1031 Crist Dr, he would like to know what this will do to the water table in the area.

Rebuttal:

Kevin Walsh responded that the plan for dewatering this property is to start in Area A, which is 5 acres, they will be using cutoff trenches to keep the water from coming back in while the water is exposed. The water will be discharged into a retaining pond on site. If the area were completely mined and left open it would be left as a huge pond, but they plan to refill Area A with the subsoil from the mining of Area B. They plan to re-vegetate this area and create a cause way. They will leave an open water area that will be attractive to water fowl once the gravel mining is finished. The cattails and the rehabilitation of the land will be over seen by DEQ. The stream flows only because of the high ground water and it will not be included entirely in the gravel mine. When they create the pond they will put the cattails back in along with other forms of aquatic vegetation.

Jason Vallmer, 2124 Wyoming Ave, they are planning on doubling the amount of wetland area on this property as part of the reclamation.

Commissioner Musselman clarified that this will be a wetland area with cause ways to create more vegetation area on the property. He asked if they are planning on using the local vegetation or imported vegetation. **Kevin Walsh** stated that he has done many of these types of reclamation and they will be replicating the vegetation that is currently on the property.

Discussion:

Motion:

On a motion by Commissioner Cook and approved with a Commissioner Musselman and approved with a 4-0-1 voice vote a recommendation of approval of County Special Review #318 will be forwarded to the BOCC on its meeting of November 25, 2008 with the following conditions:

1. Special Review #318 approval shall be limited to Tract 1B of Certificate of Survey 1346, located just south of the south east corner of the intersection of Johnson Lane and Farley Lane.
2. This special review approval is for a gravel mining operation on Tract 1B of Certificate of Survey 1346. No other use or expansion of this gravel mining operation use is approved or implied with this authorization.
3. The proposed development shall comply with all other limitations of Sec. 27-613 concerning special review uses.
4. The applicant shall receive approval from all agencies that oversee Open-cut Gravel Mining prior to the beginning of operations.
5. The applicant shall complete a zoning compliance permit and receive approval before placement of any buildings on site.
6. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
7. Failure to comply with these conditions of approval of the special review use shall be deemed a violation of the zoning regulations. Enforcement of the regulations and

conditions shall be as set forth in Section 27-1601 et seq. of the Unified Zoning Regulations.

8. Applicant shall provide a single point of contact for those to call when voicing concerns with the operation of the open-cut gravel mining. That person is identified in the DEQ Open-cut Permit Application as Jim Weaver.
9. The hours of operation for any gravel mining shall be limited to between 7 a.m. and 7 p.m. Monday through Saturday.
10. The owner/operator of the facility shall be responsible for dust suppression on any portions of the property that is disturbed by open-cut gravel mining and its associated operations. Suppression shall include preventing dust and dirt from blowing beyond the fence around the property onto neighboring properties on all sides.

Chairman Heinrich asked if there should be conditions including dust suppression, hours of operation and a single point of contact. The board discussed the conditions they would like to have. They included the following conditions: (see above for complete list of conditions on this Special Review)

1. Hours of operation to match the hours set on the state application 7am-7pm Monday thru Saturday
2. Dust suppression required
3. Single point of contact, Jim Weaver

Other Business:

PUBLIC COMMENT

Chairman Heinrich asked if there was anyone else wishing to speak during the public comment portion of the meeting. **Chairman Heinrich** stated that any member of the public may be heard on any subject that is not on the agenda, and that the Yellowstone County Zoning Commission will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.

There were none.

Adjournment:

The meeting was adjourned at 4:41 p.m.

Oscar Heinrich, Chairman

ATTEST:

Elizabeth Allen, Planning Clerk